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*Attorneys for The Bank of New York Mellon f/k/a  
The Bank of New York Successor Trustee to  
JPMorgan Chase Bank, N.A., as Trustee for the  
Structured Asset Mortgage Investments II Trust,  
Mortgage Pass-Through Certificates, Series 2006-  
AR3*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON F/K/A  
THE BANK OF NEW YORK SUCCESSOR  
TRUSTEE TO JPMORGAN CHASE BANK,  
N.A., AS TRUSTEE FOR THE STRUCTURED  
ASSET MORTGAGE INVESTMENTS II  
TRUST, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-AR3, a  
Delaware corporation

Plaintiff,

vs.

NEVADA NEW BUILDS, LLC, a Nevada  
limited liability company; AFFLUENT REAL  
ESTATE INVESTORS, LLC, a domestic limited  
company; CANYON WILLOW TROPICANA  
(CANYON WILLOW EAST UNIT 1), a Nevada  
non-profit company; and EQUITY HOLDING  
CORP., as Trustee for THE EAST TROPICANA  
AVENUE TRUST NO. 15115151 DATED  
12/01/2015, a California Trust,

Defendants.

Case No.: 2:16-cv-02894-RFB-EJY

**STIPULATION AND ORDER  
DISMISSING CLAIMS AGAINST  
CANYON WILLOW TROPICANA  
(CANYON WILLOW EAST UNIT 1)**

1 EQUITY HOLDING CORP., as Trustee for THE  
2 EAST TROPICANA AVENUE TRUST NO.  
3 15115151 DATED 12/01/2015, a California  
Trust,

4 Counterclaimant,

5 vs.

6 THE BANK OF NEW YORK MELLON F/K/A  
7 THE BANK OF NEW YORK SUCCESSOR  
8 TRUSTEE TO JPMORGAN CHASE BANK,  
9 N.A., AS TRUSTEE FOR THE STRUCTURED  
10 ASSET MORTGAGE INVESTMENTS II  
TRUST, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-AR3, a  
Delaware corporation; DOES 1 through 10; and  
ROE CORPORATIONS 1 through 10, inclusive,

11 Counterdefendants.  
12

13 The Bank of New York Mellon f/k/a The Bank of New York Successor Trustee to JPMorgan  
14 Chase Bank, N.A., as Trustee for the Structured Asset Mortgage Investments II Trust, Mortgage  
15 Pass-Through Certificates, Series 2006-AR3 (**BoNYM**) and Canyon Willow Tropicana (Canyon  
16 Willow East Unit 1) (**Canyon Willow**), stipulate as follows:

17 1. This matter relates to real property located at 5710 East Tropicana Avenue #1075,  
18 Las Vegas, Nevada 89122, APN 161-21-813-065 (the **Property**).

19 2. BoNYM is the beneficiary of record of a deed of trust recorded against the Property  
20 with the Clark County Recorder on November 23, 2005, as Instrument No. 20051123-0002376 (the  
21 **Deed of Trust**), executed by Nancy L. Hines to secure a promissory note in the principal amount of  
22 \$140,500.

23 3. On August 26, 2013, Canyon Willow recorded a foreclosure deed with the Clark  
24 County Recorder, as Instrument No. 201308260001618 (the **HOA Foreclosure Deed**), reflecting  
25 that Nevada New Builds LLC (**NNB**) acquired the Property at a foreclosure sale of the Property held  
26 on August 23, 2013 (the **HOA Foreclosure Sale**).

27 4. On December 14, 2016, BoNYM initiated a quiet title action related to the Property in  
28 the United States District Court for the District of Nevada, Case No. 2:16-cv-02894-RFB-GWF (the

1 **Quiet Title Action).**

2 5. BoNYM and Canyon Willow have entered into a confidential settlement agreement in  
3 which they have settled all claims between them in this case.

4 6. BoNYM and Canyon Willow stipulate and agree all claims between them are  
5 dismissed with prejudice, with each party to bear its own attorney's fees and costs. This dismissal  
6 does not affect any other claims or parties.

7 DATED: June 8, 2020

9 **AKERMAN LLP**

**LIPSON NEILSON P.C.**

10  
11 /s/ Rex D. Garner  
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19 f/k/a The Bank of New York Successor Trustee  
20 to JPMorgan Chase Bank, N.A., as Trustee for  
21 the Structured Asset Mortgage Investments II  
22 Trust, Mortgage Pass-Through Certificates,  
23 Series 2006-AR3*

*Attorneys for defendant Canyon Willow  
Tropicana (Canyon Willow East Unit 1)*

24 **IT IS SO ORDERED.**

25  
26   
27 RICHARD F. BOULWARE, II  
28 UNITED STATES DISTRICT JUDGE

DATED this 9th day of June, 2020.

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